

Index No.: _____/19

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX-----X
CHERISH PORTER,*Plaintiff,*

-against-

WILLIAMSBRIDGE NAACP DAY-CARE CENTER,

Defendant.
-----XPlaintiff designates
BRONX COUNTY as
place of trial.The basis of venue is
Defendant's principal
place of businessSUMMONSPlaintiff resides at 821
Mountain View Run, Stone
Mountain, GA 30087

To the above-named defendant:

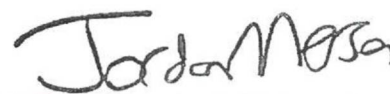
YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, BRONX COUNTY ON 08/26/19 IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
August 26, 2019

MERSON LAW, PLLC

By: _____

Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

Defendant's Address:

WILLIAMSBRIDGE NAACP DAY-CARE CENTER
670-680 East 219th Street
Bronx, NY 10467

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
CHERISH PORTER,

Index No.: _____/19

Plaintiff,

-against-

VERIFIED COMPLAINT

WILLIAMSBRIDGE NAACP DAY-CARE CENTER,

Defendant.
-----X

Plaintiff, above-named, complaining of the defendant, by **MERSON LAW, PLLC**, respectfully alleges:

NATURE OF THE CLAIM

1. This is a case of sexual abuse by Althea Greene ("Greene"), using her position as a daycare employee at defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** to sexually abuse a young, five year old attendee, Cherish Porter.
2. Greene was a daycare employee at defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** in 1980. It was at that time that Greene targeted Ms. Porter.
3. Specifically, Greene abused Ms. Porter during a trip to Orchard Beach by encouraging her to enter the water with her, thereafter grabbing Ms. Porter's buttocks and making her way into Ms. Porter's bathing suit, eventually reaching and touching, molesting and fondling her vagina.
4. Ms. Porter tried to get away as fast as possible and yelled for Greene to stop and began to shake and twist herself off of Greene, but when Greene threw Ms. Porter off of her back, Ms. Porter, being only five years old and not knowing how to swim, began to drown.
5. However, Greene immediately fled the scene leaving Ms. Porter alone in the ocean. It was then that Ms. Porter started to drown, lost consciousness and needed to be saved by a lifeguard.

6. Ms. Porter was ashamed, embarrassed and humiliated and feared retaliation from Greene if she told anyone.
7. Defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** knew of or should have known of the abuse that Greene would abuse and/or had the propensity to abuse children, including plaintiff.
8. As such, Ms. Porter brings this lawsuit to recover for the emotional and physical suffering she endured because of the negligence of defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** and to make sure that no other child is forced to suffer the abuse and physical and mental trauma that she felt and continues to feel.

PARTIES

9. At all times herein mentioned, defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** was a daycare center organized and authorized to conduct business in the State of New York.
10. At all times herein mentioned, defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** was located at 670-680 East 219th Street, Bronx, NY 10467.
11. At all times herein mentioned, Althea Greene was an employee at **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** operating under the direction and control of defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** and its agents, servants and/or employees.
12. At all times herein mentioned, Althea Greene was an agent, servant and/or employee of defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER**.

FACTS OF THE CASE

13. Defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER**'s negligence and recklessness allowed Althea Greene to sexually abuse Ms. Porter, a young, five year old child and attendee of their facility.

14. In 1980, Althea Greene sexually abused Ms. Porter at Orchard Beach during a trip taken and authorized by **WILLIAMSBRIDGE NAACP DAY-CARE CENTER**.
15. During the incident at issue, Althea Greene encouraged and/or coerced Ms. Porter to climb onto her back and enter the water with her, thereafter grabbing Ms. Porter's buttocks, making her way into Ms. Porter's bathing suit and eventually reaching and touching her vagina
16. Ms. Porter did not report the assault as she was afraid that Althea Greene would retaliate and/or potentially physically harm her.
17. Nonetheless, Ms. Porter suffered catastrophic, permanent and lifelong injuries as a result of defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER**'s negligence in undertaking a duty in loco parentis to keep its attendees safe, including Ms. Porter, from predators and failing to act in accord with that duty by allowing Althea Greene to continue her role where she had unfettered access and the means to prey on young children, and girls, like Ms. Porter.
18. Additionally, due to the intentional, malicious and predatory acts of Althea Greene, Ms. Porter suffered and continues to suffer catastrophic, permanent and lifelong injuries.

**AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE AS TO
WILLIAMSBRIDGE NAACP DAY-CARE CENTER**

19. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 18., inclusive, with the same force and effect as if hereinafter set forth at length.
20. At all times mentioned herein, defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** owed a duty of care in loco parentis to keep the attendees in its program safe, including Ms. Porter, from sexual abuse by its staff under its supervision and control that ultimately befell the plaintiff, and they had a duty to supervise Althea Greene.

21. At all times herein mentioned, defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** owed a duty of care to properly supervise its staff to ensure that its attendees were not being abused.
22. At all times mentioned herein, defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and/or wanton manner, and caused plaintiff to be sexually assaulted.
23. As a result of the negligence of defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** and/or their agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
24. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
25. By reason of the foregoing, plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
26. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
27. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A SECOND CAUSE OF ACTION FOR
NEGLIGENT HIRING, RETENTION AND SUPERVISION
AS TO WILLIAMSBRIDGE NAACP DAY-CARE CENTER**

28. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 27., inclusive, with the same force and effect as if hereinafter set forth at length.

29. Defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** had a duty to supervise and prevent known risks of harm to its attendees.
30. Defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** was negligent in hiring, retaining and supervising Althea Greene who was careless, unskillful, negligent and reckless and acted in a willful and wanton manner and did not possessing the requisite knowledge, skill and moral character of a staff member who should have been allowed to supervise and ensure the safety of their attendees.
31. Defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** knew or should have known that Althea Greene sexually assaulted plaintiff and/or had the capacity and/or propensity to do so.
32. As a result of such negligent hiring, supervising and retention, plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
33. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
34. By reason of the foregoing, plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
35. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
36. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE THIRD CAUSE OF ACTION FOR
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
AS TO WILLIAMSBRIDGE NAACP DAY-CARE CENTER**

37. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 36., inclusive, with the same force and effect as if herein set forth at length.
38. Defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise, and hire Althea Greene, the staff member who sexually abused plaintiff, would and did proximately result in physical and emotional distress to plaintiff.
39. Defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to plaintiff.
40. Defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in plaintiff being sexually abused, and thereafter abandoned, by Althea Greene.
41. Despite said knowledge, power and duty, defendant **WILLIAMSBRIDGE NAACP DAY-CARE CENTER** negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Althea Greene sexually abusing plaintiff.
42. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
43. By reason of the foregoing, plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.

44. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

45. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 26, 2019

MERSON LAW, PLLC

By: 
Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
CHERISH PORTER,

Index No.: _____/19

Plaintiff,

-against-

WILLIAMSBRIDGE NAACP DAY-CARE CENTER,

**ATTORNEY
VERIFICATION**

Defendant.
-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm **MERSON LAW, PLLC**, attorneys for the plaintiff in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 26, 2019



JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

CHERISH PORTER,

Plaintiff,

-against-

WILLIAMSBRIDGE NAACP DAY-CARE CENTER,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiffs

Office and Post Office Address, Telephone

150 East 58th Street 34th

F1.

New York, New York

10155

(212) 603-9100

To: All Parties
